

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

G4S REGULATED SECURITY SOLUTIONS,)	
A Division of G4S SECURE SOLUTIONS (USA))	
INC., F/K/A THE WACKENHUT)	
CORPORATION,)	
)	No. 15-13224
Petitioner-Cross Respondent,)	
)	
vs.)	
)	
NATIONAL LABOR RELATIONS BOARD,)	
)	
Respondent-Cross Petitioner.)	

**ANSWER TO RESPONDENT-CROSS PETITIONER’S APPLICATION
FOR ENFORCEMENT OF AN ORDER OF THE NATIONAL LABOR
RELATIONS BOARD**

COMES NOW Petitioner-Cross Respondent G4S Regulated Security Solutions, A Division of G4S Security Solutions (USA) INC., F/K/A The Wackenhut Corporation, through undersigned counsel, and files this Answer to Respondent-Cross Petitioner’s Application for Enforcement of a Decision and Order of the National Labor Relations Board (“Board”). The Decision and Order found that two discharged individuals, Thomas Frazier and Cecil Mack, were employees protected by the National Labor Relations Act (“Act”) and that Petitioner-Cross Respondent violated Section 8(a)(1) Act by discharging these

individuals because they engaged in conduct protected by the Act.¹ As set forth in the Petition for Review filed July 17, 2015, Petitioner-Cross Respondent submits that the Board's Decision and Order is not supported by substantial evidence in the record or controlling law. As such, enforcement of the Board's Decision and Order as set forth at 362 NLRB No. 134 should be denied in its entirety.

Respectfully submitted this 11th day of September, 2015.

By: /s/Jeffrey A. Schwartz
Jeffrey A. Schwartz
Georgia Bar No. 558465
Jonathan J. Spitz
Georgia Bar No. 672360

¹ This case has a long history. On June 27, 2011, Administrative Law Judge William N. Cates issued a decision finding Charging Parties Frazier and Mack were supervisors under Section 2(11) of the Act. As supervisors are not protected by the Act, Judge Cates recommended dismissal of the Complaint. On September 28, 2012, the Board issued a Decision and Order finding Frazier and Mack were not supervisors and remanding the case. 358 NLRB No. 160. On remand, Judge Cates found Frazier and Mack were discharged because they engaged in activities protected by Section 7 of the Act. This finding was adopted by the Board in a Supplemental Decision and Order issued on April 30, 2013, 359 NLRB No. 101. Thereafter, Petitioner-Cross Respondent filed a petition for review in the D.C. Circuit, contending the Decisions were decided by an improperly appointed Board. On June 27, 2014, after the decision of the United States Supreme Court in NLRB v. Noel Canning, 134 S.Ct. 2550 (2014), the Board voluntarily vacated its Decisions. The D.C. Circuit remanded the case on August 18, 2014. The Board issued a new Decision on June 25, 2015. To the extent the Board seeks enforcement of these earlier Decisions and Orders reported at 359 NLRB No. 101 and 358 NLRB No. 160, the Court should deny such relief.

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Attorneys for Petitioner-Cross
Respondent
G4S Regulated Security Solutions, A
Division of G4S Security Solutions
(USA) INC., F/K/A The Wackenhut
Corporation

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2015, I caused to be served a true and correct copy of the within and foregoing **Answer to Respondent-Cross Petitioner's Application For Enforcement Of An Order Of The National Labor Relations Board** via the Court's electronic case filing system which will automatically serve the following counsel of record:

Linda Dreeben, Esq.
Deputy Associate General Counsel
Usha Deenan, Esq.
Gregoire Sauter, Esq.
National Labor Relations Board
Appellate Court Branch
1015 Half St., SE, Washington, DC 20570
linda.dreeben@nlrb.gov

Margaret J. Diaz, Regional Director
National Labor Relations Board
Region 12
South Trust Plaza
201 East Kennedy Blvd. – Suite 530
Tampa, FL 33602-5824
margaret.diaz@nlrb.gov

I hereby certify that on September 11, 2015, I caused to be served a true and correct copy of the within and foregoing **Answer to Respondent-Cross Petitioner's Application For Enforcement Of An Order Of The National Labor Relations Board** via e-mail and U.S. Mail upon the following parties:

Mr. Thomas Frazier
(Street address withheld)
Homestead, FL 33033-3238
fraziertom@gmail.com

Mr. Cecil Mack
(Street address withheld)
Miami, FL 33142-2513
cecilmack3@gmail.com

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A Division of G4S SECURE SOLUTIONS (USA))
INC., F/K/A THE WACKENHUT)
CORPORATION,)

Petitioner,)

vs.)

NATIONAL LABOR RELATIONS BOARD,)
Respondent.)

Case No. _____

**TO THE HONORABLE JUDGES OF
THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT:**

ORIGINAL

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

The undersigned counsel of record for Petitioner G4S Regulated Security Solutions, A Division of G4S Security Solutions (USA) INC., F/K/A The Wackenhut Corporation, certifies that the following listed parties have an interest in the outcome of this case:

1. Cherof, Edward M. (Attorney for Petitioner);
2. Diaz, Margaret J. (Regional Director National Labor Relations Board, Region 12);
3. Frazier, Thomas (Charging Party);

4. G4S Regulated Security Solutions, A Division of G4S Security Solutions (USA) INC., F/K/A The Wackenhut Corporation (Petitioner);
5. Hirozawa, Kent Y. (Member);
6. Mack, Cecil (Charging Party);
7. Miscimarra, Phillip A. (Member);
8. Pearce, Mark Gaston (Chairman);
9. Plass, Shelley B. (Counsel for the Acting General Counsel National Labor Relations Board);
10. Schwartz, Jeffrey A. (Attorney for Petitioner); and
11. Spitz, Jonathan J. (Attorney for Petitioner).

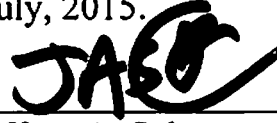
Pursuant to Eleventh Circuit Rules 26.1-1, 26.1-2, 26.1-3, and 28-1(b), and Fed. R. App. P. 26.1, G4S identifies the following subsidiaries, conglomerates, affiliates and parent corporations:

1. G4S Regulated Security Solutions is a division of G4S Secure Solutions (USA) Inc. G4S Secure Solutions (USA) Inc. is a wholly-owned subsidiary of G4S Holding One, Inc. ("G4SHO"), a Delaware corporation.
2. G4SHO is a wholly owned subsidiary of G4S US Holdings Limited (G4SUSH), a British company. G4SUSH is a wholly owned subsidiary of G4S Corporate Services Limited (G4SCS), a British

company. G4SCS is a wholly owned subsidiary of G4S plc, a British company publicly traded on the London Stock Exchange.

Respectfully submitted this 16th day of July, 2015.

By:



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Division of G4S Security Solutions
(USA) INC., F/K/A The Wackenhut
Corporation

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2015, I served the following
**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT** with the Clerk of Court via U.S. Mail to the
following attorneys of record:

Shelley B. Plass, Esq.
Counsel for the Acting General Counsel
South Trust Plaza
201 East Kennedy Blvd
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shelley.plass@nlrb.gov

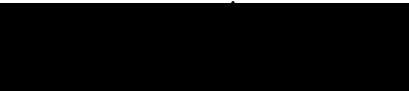
Margaret J. Diaz, Regional Director
National Labor Relations Board
Region 12
South Trust Plaza
201 East Kennedy Blvd. – Suite 530
Tampa, FL 33602-5824
Margaret.diaz@nlrb.gov

Mr. Thomas Frazier



fraziertom@gmail.com

Mr. Cecil Mack



cecilmack3@gmail.com

By:

A handwritten signature in black ink, appearing to read "JAS" with a stylized flourish.

Jeffrey A. Schwartz
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Jonathan J. Spitz
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